



February 16, 2007

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## HOUSE BILL No. 1116

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DIGEST OF HB 1116 (Updated February 15, 2007 12:12 pm - DI 109)

**Citations Affected:** IC 20-28; IC 20-34; IC 34-30; noncode.

**Synopsis:** Required emergency procedures training for teachers. Requires an individual to have training in cardiopulmonary resuscitation (CPR), removing obstructions to a person's airway, and the Heimlich maneuver before obtaining an initial license as a teacher. Establishes immunity from liability for certain acts or omissions by a teacher who has been trained in CPR, removing obstructions, and the Heimlich maneuver. Establishes a training program for school employees who are not health care professionals to assist students with diabetes in managing and treating the diabetes. Sets forth requirements for individualized health plans for students who will be managing and treating diabetes while at school or school activities.

**Effective:** Upon passage; July 1, 2007.

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**Cheatham, Klinker, Dermody,  
Duncan**

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January 8, 2007, read first time and referred to Committee on Education.  
February 15, 2007, amended, reported — Do Pass.

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HB 1116—LS 6404/DI 109+



February 16, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

## HOUSE BILL No. 1116

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A BILL FOR AN ACT to amend the Indiana Code concerning education.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 20-28-5-3, AS ADDED BY P.L.246-2005,  
2 SECTION 157, IS AMENDED TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) The department shall  
4 designate:

- 5 (1) the grade point average required for each type of license; and  
6 (2) the types of licenses to which the teachers' minimum salary  
7 laws apply, including nonrenewable one (1) year limited licenses.

8 (b) The department shall determine details of licensing not provided  
9 in this chapter, including requirements regarding the following:

- 10 (1) The conversion of one (1) type of license into another.  
11 (2) The accreditation of teacher education schools and  
12 departments.  
13 (3) The exchange and renewal of licenses.  
14 (4) The endorsement of another state's license.  
15 (5) The acceptance of credentials from teacher education  
16 institutions of another state.  
17 (6) The academic and professional preparation for each type of

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license.

(7) The granting of permission to teach a high school subject area related to the subject area for which the teacher holds a license.

(8) The issuance of licenses on credentials.

(9) The type of license required for each school position.

(10) The size requirements for an elementary school requiring a licensed principal.

(11) Any other related matters.

The department shall establish at least one (1) system for renewing a teaching license that does not require a graduate degree.

**(c) After June 30, 2007, the department may not issue an initial teaching license at any grade level to an applicant for an initial teaching license unless the applicant shows evidence that the applicant:**

**(1) has successfully completed training approved by the department in:**

**(A) cardiopulmonary resuscitation that includes a test demonstration on a mannequin;**

**(B) removing a foreign body causing an obstruction in an airway; and**

**(C) the Heimlich maneuver;**

**(2) holds a valid certification in each of the procedures described in subdivision (1) issued by:**

**(A) the American Red Cross;**

**(B) the American Heart Association; or**

**(C) a comparable organization or institution approved by the advisory board; or**

**(3) has physical limitations that make it impracticable for the applicant to complete a course or certification described in subdivision (1) or (2).**

**(d) The department shall periodically publish bulletins regarding:**

**(1) the details described in subsection (b);**

**(2) information on the types of licenses issued;**

**(3) the rules governing the issuance of each type of license; and**

**(4) other similar matters.**

SECTION 2. IC 20-34-5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

**Chapter 5. Care of Students With Diabetes**

**Sec. 1. As used in this chapter, "care assistant" means a school employee who:**

**(1) is not a licensed health care professional; and**

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(2) has successfully completed the training required under section 10 of this chapter.

Sec. 2. As used in this chapter, "diabetes management and treatment plan" means a plan prepared under section 7 of this chapter.

Sec. 3. As used in this chapter, "individualized health plan" means a coordinated plan of care designed to meet the unique health care needs of a student with diabetes in a school setting.

Sec. 4. As used in this chapter, "licensed health care practitioner" means a nurse practitioner.

Sec. 5. As used in this chapter, "school employee" means an individual employed by:

- (1) a public school or an accredited nonpublic school;
- (2) a local health department working with a school under this chapter; or
- (3) another entity with which a school has contracted to perform the duties required under this chapter.

Sec. 6. As used in this chapter, "student" refers to a student with diabetes.

Sec. 7. (a) A diabetes management and treatment plan must be prepared and implemented for a student with diabetes whose parent seeks care for the student's diabetes while the student is at school or participating in a school activity. The plan must be developed by:

- (1) the student's parent; and
- (2) the licensed physician or licensed health care practitioner responsible for the student's diabetes treatment.

(b) A diabetes management and treatment plan must:

- (1) identify the health care services the student may receive at school;
- (2) evaluate the student's:
  - (A) ability to manage; and
  - (B) level of understanding of; the student's diabetes; and
- (3) be signed by the student's parent and the licensed physician or licensed health care practitioner responsible for the student's diabetes treatment.

(c) The parent of a student who seeks care for the student's diabetes while the student is at school or participating in a school activity shall submit a copy of the student's diabetes management and treatment plan to the school. The plan must be submitted to and be reviewed by the school:

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- (1) before or at the beginning of a school year;
- (2) at the time the student enrolls, if the student is enrolled in school after the beginning of the school year; or
- (3) as soon as practicable following a diagnosis of diabetes for the student.

Sec. 8. (a) An individualized health plan must be developed for each student whose parent seeks care for diabetes while the student is at school or participating in a school activity. The school's principal and nurse, if the school has a nurse, shall develop a student's individualized health plan in collaboration with:

- (1) the student's parent;
- (2) to the extent practicable, the licensed physician or licensed health care practitioner responsible for the student's diabetes treatment; and
- (3) one (1) or more of the student's teachers.

(b) A student's individualized health plan must incorporate the components of the student's diabetes management and treatment plan. A school shall develop a student's individualized health plan upon receiving the student's diabetes management and treatment plan.

Sec. 9. (a) At each school in which a student with diabetes is enrolled, the school principal shall:

- (1) seek school employees to serve as care assistants; and
- (2) make efforts to ensure that the school has:
  - (A) at least one (1) care assistant if a full-time nurse is assigned to the school; and
  - (B) at least two (2) but not more than five (5) care assistants if a full-time nurse is not assigned to the school.

(b) A care assistant while providing health care services serves under the supervision and authorization of the principal and the school nurse, if the school has a nurse.

(c) A school employee may not be subject to any disciplinary action for refusing to serve as a care assistant.

Sec. 10. (a) The state department of health, with the assistance of interested parties, shall develop a training program that includes instruction in the following:

- (1) Recognizing the symptoms of hypoglycemia and hyperglycemia.
- (2) Understanding the proper action to take if the blood glucose levels of a student are outside the target ranges indicated on the student's diabetes management and treatment plan.

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(3) Understanding the details of a student's individualized health plan.

(4) Performing finger sticks to check blood glucose levels, checking urine ketone levels, and recording the results of the checks.

(5) Properly administering glucagon and insulin, and recording the results of the administration.

(6) Recognizing complications that require emergency medical assistance.

(7) Understanding recommended schedules and food intake for meals and snacks for a student, the effect of physical activity on blood glucose levels, and the proper action to be taken if a student's schedule referred to in this subdivision is disrupted.

(b) If a school nurse is assigned to a school, the school nurse shall coordinate the training of school employees acting as care assistants, using the training program developed under subsection (a).

(c) Training for care assistants must be provided by a health care professional with expertise in the care of individuals with diabetes or by a school nurse. The training must be provided before the beginning of the school year or as soon as practicable following:

(1) the enrollment; or

(2) the diagnosis;

of a student with diabetes at a school that previously had no students with diabetes.

(d) The school nurse or principal shall maintain a copy of the training program and the records of training completed by the school employees.

Sec. 11. (a) If a school nurse is assigned to a school and the nurse is available, the nurse shall perform the tasks necessary to assist a student in carrying out the student's individualized health plan.

(b) If a school nurse is not assigned to a school or the nurse is not available, a care assistant shall perform the tasks necessary to assist a student in carrying out the student's individualized health plan, in compliance with the training guidelines provided under section 10 of this chapter. A care assistant must have access to a health care professional with expertise in the care of individuals with diabetes or a principal must have access to the licensed physician or licensed health care practitioner responsible for the student's diabetes treatment if a care assistant acts under this

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subsection.

(c) A care assistant may act under this section only if the parent of the student signs an agreement that:

- (1) authorizes a care assistant to assist the student; and
- (2) states that the parent understands that, as provided under IC 34-30-14, a care assistant is not liable for civil damages for assisting in the student's care.

(d) A care assistant who assists a student under this section:

- (1) is not considered to be engaging in the practice of nursing;
- (2) is exempt from applicable statutes and rules that restrict activities that may be performed by an individual who is not a health care professional; and
- (3) may exercise reasonable judgment in deciding whether to contact a health care provider in a medical emergency involving a student with diabetes.

(e) A school corporation may not restrict the assignment of a student to a particular school on the basis that the school does not have the required care assistants.

Sec. 12. As provided in a student's individualized health plan, a school corporation shall allow the student to attend to the management and care of the student's diabetes, including but not limited to the following activities:

- (1) Performing blood glucose level checks.
- (2) Administering insulin through the insulin delivery system the student uses.
- (3) Treating hypoglycemia and hyperglycemia.
- (4) Possessing on the student's person at any time the supplies or equipment necessary to monitor and care for the student's diabetes.
- (5) Otherwise attending to the management and care of the student's diabetes in the classroom, in any area of the school or school grounds, or at any school related activity.

Sec. 13. A school shall provide the individual who is responsible for providing transportation for or supervising a student with diabetes during an off-campus school related activity an information sheet that:

- (1) identifies the student with diabetes;
- (2) identifies potential emergencies that may occur as a result of the diabetes and appropriate responses to an emergency; and
- (3) provides the telephone number of a contact in case an emergency occurs.

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SECTION 3. IC 34-30-14-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. If compliance with sections 3 and 4 of this chapter has occurred, a school administrator, teacher, or other school employee designated by the school administrator, after consultation with the school nurse, who in good faith administers:

- (1) a nonprescription medication in compliance with the written permission of the pupil's parent or guardian, except in the case of a life threatening emergency;
- (2) a legend drug (as defined in IC 16-18-2-199 and including injectable insulin) in compliance with the:
  - (A) written order of a practitioner; and
  - (B) written permission of the pupil's parent or guardian, except in the case of a life threatening emergency;
- (3) a blood glucose test by finger prick in compliance with the written order of a practitioner; or
- (4) any combination of subdivisions (1) through (3);

to a pupil is not **personally** liable for civil damages **for any act that is incident to or within the scope of the duties of the employees position of employment or that involves the exercise of judgment or discretion on the part of the employee** as a result of the administration except for an act or omission amounting to gross negligence or willful and wanton misconduct.

SECTION 4. IC 34-30-14-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. A teacher:

- (1) who meets the requirement of IC 20-28-5-3(c); and
- (2) who:
  - (A) performs cardiopulmonary resuscitation on;
  - (B) performs the Heimlich maneuver on; or
  - (C) removes a foreign body that is obstructing an airway of;

another person, in the course of employment as a teacher; is not liable in a civil action for damages resulting from an act or omission occurring during the provision of emergency assistance under this section, unless the act or omission constitutes gross negligence or willful and wanton misconduct.

SECTION 5. [EFFECTIVE UPON PASSAGE] (a) Although IC 20-28-5-3(c), as amended by this act, applies beginning July 1, 2007, a college or university located in Indiana may recommend to a person who has been accepted in a teacher training program before July 1, 2007, that the person should meet the requirements

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1 of IC 20-28-5-3(c), as amended by this act.  
2 (b) This SECTION expires June 30, 2009.  
3 SECTION 6. An emergency is declared for this act.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1116, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 15, delete "a course" and insert "**training**".

Page 2, between lines 35 and 36, begin a new paragraph and insert:  
"SECTION 2. IC 20-34-5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

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**(b) A diabetes management and treatment plan must:**

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(1) identify the health care services the student may receive at school;

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(A) ability to manage; and

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the student's diabetes; and

(3) be signed by the student's parent and the licensed physician or licensed health care practitioner responsible for the student's diabetes treatment.

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(b) A care assistant while providing health care services serves under the supervision and authorization of the principal and the school nurse, if the school has a nurse.

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diabetes.

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- and**
- (3) provides the telephone number of a contact in case an emergency occurs.**

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**to a pupil is not personally liable for civil damages for any act that is incident to or within the scope of the duties of the employees position of employment or that involves the exercise of judgment or discretion on the part of the employee as a result of the administration except for an act or omission amounting to gross**

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negligence or willful and wanton misconduct."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1116 as introduced.)

PORTER, Chair

Committee Vote: yeas 9, nays 0.

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